XI-HC—78

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) 275 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO.275/2006

Single Bench : Hon'ble Shri Dhirendra Mishra, J

APPELLANT Harbansh Singh, S/o-Indarsingh Chawala, R/o-Baldevbagha, Rajnandgaon (C.G.) (Owner)

VERSUS

RESPONDENTS

1. Krishna Balekar, S/o-Gajanand Bhalekar, Aged about 31 years, Occupation Driver (Truck) R/o-Village Churiya, Rajnandgaon, Tahsil & Distt. Rajnandgaon (C.G.) (Driver)
2. Ichchharam S/o-Mabhodhi Aged about 42 years, Occupation Agriculture R/o-Nayakbandha, (Abhanpur) Tahsil & District Raipur (C.G.) (Claimant)
3. The Oriental Insurance Company Ltd. Branch Kamthi line, Rajnandgaon through Divisional Manager, Division Office & Kachahari Chowk, Raipur (C.G.) (Insurer)

Present: Mr. Anup Majumdar, counsel for the appellant.
Mr. Varunendra Mishra, counsel for respondent No.3/Insurance Company

की अपन
हस्ताक्षर

XI-HC—78

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C)275 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	07.05.2007 Heard on M.C.P.No.1778/2006, application for condonation of delay in filing this appeal as the same has been with a delay of 402 as per office note dated 4.10.2006 and I.A.No.3338/2006, application for exemption from depositing the amount of award, as per provisions of Section 173 of the Motor Vehicle Act, 1988. Learned counsel for the appellant submits that the appellant has been saddled with the liability of payment of compensation though the vehicle was insured at the relevant time with respondent No.3 and in these circumstances, the appellant may be exempted from depositing the requisite amount of award. On the application of condonation of delay, it has been submitted that the respondent No.3/insurance company ought to have compensated the claimant first and thereafter, the same can be recovered from the appellant/owner. However, after receiving the notice of recovery in execution proceedings from the Tribunal, he learnt that liability of depositing the amount of award has been fastened upon the appellant and applied for certified copy of the impugned award to prefer this appeal and as such, delay of 402 days has occurred. Learned counsel for respondent No.3 opposed both the above applications.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

मामला क्रमांक M.A.(C) 275 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The reasons assigned for condoning the delay in filing this appeal are absolutely untenable, the same are neither bonafide nor sufficient. So far as exemption from depositing the amount of award in terms of Section 173 of the Act is concerned, the above deposit is precondition for filing the appeal. This appeal has been filed on 25.9.2006, however, the statutory payment in terms of Section 173 of the Act has not been made. In the result, both the above application being devoid of substance, are dismissed. Consequently, the appeal also stands dismissed. Sd/- Dhirendra Mishra Judge	